

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 41.37(c) This is in reference to the supplemental appeal brief as filed on 4/17/2009.

(1) The brief does not contain arguments of the appellant with respect to each ground of rejection presented for review, and the basis therefor, with citations of the statutes, regulations, authorities, and parts of the record relied on as required by 37 CFR 41.37(c)(1)(vii).

a) Section A directed to Case Law should not be listed separately but should be included in the appropriate argument sections or sections (B, C, D, and/or E).

b) In the section C heading of the Arguments VII, the arguments should be directed to claims 17 and 19-20 (see section VI directed to the grounds of rejection to be reviewed on Appeal) not just claim 17.

c) In the section D heading of the Arguments VII, the arguments should be directed to claims 7 and 10-14 (see section VI directed to the grounds of rejection to be reviewed on Appeal) not just claim 7.

d) In the section E heading of the Arguments VII, the arguments should be directed to claims 1-4, 6, and 21 (see section VI directed to the grounds of rejection to be reviewed on Appeal) not claims 1-6 and 21.

e) The rejection of claims 2-4 under 35 USC 103 of Steadman (152) in view of Barnes (288) has been included in the Grounds of Rejection to be Reviewed on Appeal (section VI). Consequently, this specific rejection must be argued separately. It has not been addressed in any of sections A-E as listed in the Argument section VII.

(2) Appellant is required to comply with provisions of 37 CFR 41.37(c). To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 41.37(c) within

ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of time may be granted under 37 CFR 1.136.

Please feel free to promptly contact the examiner if any assistance in needed in complying with any of the above requirements.

(3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

/Stephen M. Johnson/
Primary Examiner, Art Unit 3641

SMJ
November 2, 2009